IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 131 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/04/2004 in WP No. 16790 OF 1992 on the file of the High Court.)

Between:

Sri Yarlagadda Koteswara Rao S/o Anjaiah
R/o Gundupalem Village, Bandar Mandal, Krishna District.

..... APPELLANT

AND

1. The District Judge, Krishna, Machilipatnam.
2. The Special Tenancy Officer-cum-District Munsif, Gangavaram, Krishna District.
3. Bayya Mohana Rao S/o Ranganayakulu
r/o Kanumolu Village, Gannavaram (Mandal) Gannavaram DMC, Krishna District.
4. Daru Appala Swamy S/o Suranna
r/o Kanumolu (V), Bapulapadu mandal, Gannavaram DMC, Krishna District.

.....RESPONDENTS

Counsel for the Appellant : Mr. R.VIJAYANANDAN REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for Respondents 3: Mr.N.V.Suryanarayana Murthy

Counsel for Respondent No.4: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The petitioner-appellant is aggrieved by the order of the learned Single Judge dismissing the writ petition. The appellant, in the writ petition, had questioned the legality and validity of the orders passed by the Special Tenancy Officer-cum-District Munsif, Gannavaram in A.T.C. 12 of 1985 as confirmed in appeal by the appellate authority, who is the District Judge in C.A.No. 25 of 1989. The appellant sought to evict the respondent No.3 on two grounds, namely, for non-payment of arrears of lease amount and that the third respondent had sub-let the scheduled property to the fourth respondent herein. The primary authority recorded a finding that there was no sub-lease created by the third respondent. A reference was also made to the statement of RW3, the 4th respondent herein, who denied that he was in possession of the property, or, that, he was a sub-lessee under Respondent No.3 herein. These findings are affirmed by the appellate authority, and, the learned Single Judge had also gone through the record and found that there was no case made out for interference with the concurrent findings recorded by the courts below, and, moreover, the petitioner-appellant had no right to seek eviction on the ground of non-payment of arrears because of the binding decision of this Court in **Kantheti Sesharatnamma v. Akkineni Satyanarayana and others.**

There is hardly any ground to interfere with the order of the learned Single Judge passed in the Writ Petition. The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

8.2.2005.

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M.NARAYANA REDDY, J.

VR.

To

1. The District Judge, Krishna, Machilipatnam.
2. The Special Tenancy Officer-cum-District Munsif, Gangavaram, Krishna District.

3. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.